

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ROSEMARY VANDECAR,

Petitioner,

v.

WILLIAM REUBART, *et al.*,

Respondents.

Case No. 2:21-cv-01714-RFB-BNW

**ORDER**

In this habeas corpus action, on August 3, 2022, the Court appointed counsel—the Federal Public Defender for the District of Nevada (FPD)—for the petitioner, Rosemary Vandecar. ECF No. 7. The FPD appeared for Vandecar on September 1, 2022. (ECF No. 12.) Then, after a 90-day initial period (ECF No. 13), a 91-day extension of time (ECF No. 15), and a 90-day extension of time (ECF No. 19), Vandecar was to file an amended petition for writ of habeas corpus by October 9, 2023.

On September 25, 2023, Vandecar filed a motion for a stay or, in the alternative, for an extension of time (ECF No. 22). In that motion, Vandecar represents that this case involves claims requiring extensive investigation, including investigation involving experts, and that one such claim is a claim of actual innocence. According to Vandecar, the investigation is ongoing and that it is requiring an extraordinary amount of time for the FPD to produce and file her amended petition. Vandecar therefore requests that this action be stayed pending the investigation. Alternatively, Vandecar requests a 91-day extension of the deadline for her amended habeas petition. The respondents filed an opposition to Vandecar's motion (ECF No. 23), and Vandecar filed a reply (ECF No. 24). The Court determines that under the circumstances of this case, a stay is warranted, pending Vandecar's investigation.

1           **IT IS THEREFORE ORDERED** that Petitioner's Motion for Stay or Extension of  
2 Time (ECF No. 22) is **GRANTED**. This action is stayed.

3           **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to update the  
4 docket to reflect the stay of this case, and the Clerk of the Court is directed to close this case  
5 administratively during the stay.

6           **IT IS FURTHER ORDERED** that Petitioner must file a status report by March 15,  
7 2024, and then every six months thereafter (by September 15, 2024; March 15, 2025; etc.),  
8 informing the Court of her position regarding whether the stay should remain in place.  
9 Respondents may respond to any such status report within 20 days; Petitioner may then reply  
10 within 10 days.

11           **IT IS FURTHER ORDERED** that either Petitioner or Respondents may file a motion at  
12 any time to lift the stay based on changed circumstances.

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15 DATED THIS 23 day of October, 2023.

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20 RICHARD F. BOULWARE, II  
21 UNITED STATES DISTRICT JUDGE  
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